

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 17, 2022
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

A moment of silence was held in memory of Bruce Cook, long-time local business owner, philanthropist, and tireless Owosso supporter; dedicated to helping high school graduates throughout the county achieve a world class college education at the University of Michigan.

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER JEROME C. HABER

PLEDGE OF ALLEGIANCE: CITY CLERK AMY K. KIRKLAND

PRESENT: Mayor Christopher T. Eveleth, Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A. Law, Nicholas L. Pidek, and Robert J. Teich, Jr.

ABSENT: Mayor Pro-Tem Susan J. Osika.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda with the following additions:

CONSENT AGENDA

9. Boards and Commissions Appointment.
10. Traffic Control Order Request – Central School Fall Festival.

Motion supported by Councilmember Law and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 3, 2022

Motion by Councilmember Teich to approve the Minutes of the Regular Meeting of October 3, 2022 as presented.

Motion supported by Councilmember Fear and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Proposed Special Assessment District No. 2022-103 – Hazards & Nuisances

Master Plan Implementation Goals: 1.1, 1.10, 1.12

City Manager Nathan R. Henne indicated this is the annual request to specially assess the charges on any unpaid invoices to the property that received the service.

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2022-103 - Hazards & Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

The following person commented regarding the proposed special assessment roll:

Max Tait, local property owner with offices at 720 S. Washington Street, explained that he and Alex Vargas purchased the home at 1008 S. Cedar Street in April of this year. Prior to their purchase of the property, the home was red-tagged and boarded up by the City due to its poor condition, and charges for the work were incurred. Mr. Tait asked that he and Mr. Vargas not be held responsible for said charges because they were not reported to the title company at the time of the sale and there was no opportunity for the charges to be resolved as part of the terms of the sale. Mr. Tait delivered a timeline of events to Councilmembers illustrating his case. There was discussion between Councilmembers and the City Manager about how the charges possibly got missed. Councilmember Teich indicated he would like to see the charges stricken from the roll as the buyers of the property had done their due diligence by using a title company to facilitate the sale and they should not be penalized due to an error by City staff.

Motion by Councilmember Teich to approve Special Assessment District No. 2022-103 - Hazards & Nuisances as follows:

RESOLUTION NO. 157-2022

**AUTHORIZING THE ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2022-103, HAZARDS & NUISANCES**

WHEREAS, the Council, after due and legal notice, has met and having heard all interested persons, motion by Councilmember Teich to adopt Special Assessment Resolution No. 2 for the annual hazards & nuisances roll, removing all charges for the property at 1008 S. Cedar Street, as follows:

PARCEL #	PROPERTY ADDRESS	SERVICE	TOTAL DUE
050-250-000-008-00	602 N SHIAWASSEE ST	CLEAN	\$311.17
050-660-001-009-00	616 LEE ST	CLEAN	\$178.09
050-660-022-004-00	216 S ELM ST	CLEAN	\$130.41
050-250-000-041-00	622 PINE ST	CLEAN	\$292.06
050-580-000-065-00	800 E MAIN ST	CLEAN	\$200.24
050-470-024-001-00	300 W MAIN ST	CLEAN	\$406.54
050-180-004-020-00	326 S DEWEY ST	CLEAN	\$265.46
050-180-004-020-00	326 S DEWEY ST	CLEAN	\$154.22
050-114-006-001-00	1122 S CEDAR ST	CLEAN	\$1,603.70
050-250-000-008-00	602 N SHIAWASSEE ST	CLEAN	\$381.11
050-420-011-011-00	719 BROADWAY AVE	MISC	\$379.29
050-470-024-001-00	300 W MAIN ST	SNOW	\$251.93
050-070-008-001-00	1102 S SHIAWASSEE ST	SNOW	\$137.84
050-070-008-004-00	1118 S SHIAWASSEE ST	SNOW	\$165.69
050-710-001-012-00	915 CORUNNA AVE	SNOW	\$272.64
050-710-001-012-00	915 CORUNNA AVE	SNOW	\$379.37
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$132.00
050-470-024-001-00	300 W MAIN ST	WEEDS	\$162.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$132.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$147.00
050-010-016-010-00	623.5 ALGER AVE	WEEDS	\$132.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$132.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$147.00
050-010-004-003-00	837 GLENWOOD AVE	WEEDS	\$147.00
050-651-006-011-00	305 GENESEE ST	WEEDS	\$132.00
050-470-024-001-00	300 W MAIN ST	WEEDS	\$162.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$132.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$147.00
050-470-024-001-00	300 W MAIN ST	WEEDS	\$162.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$132.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$147.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$147.00
050-180-004-020-00	326 S DEWEY ST	WEEDS	\$53.00
050-113-003-005-00	827 MILWAUKEE ST	WEEDS	\$53.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$38.00
050-603-002-011-00	1444 W KING ST	WEEDS	\$38.00
050-602-006-009-00	823 TRACY ST	WEEDS	\$68.00
050-710-001-012-00	915 CORUNNA AVE	WEEDS	\$53.00
050-652-008-004-00	808 DIVISION ST	WEEDS	\$38.00
			<u>\$8,142.76</u>

and

WHEREAS, the Council deems said Special Assessment Roll- Hazards and Nuisances to be fair, just and equitable and that each of the assessments contained thereon results in the special

assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$8,142.76 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2022-103.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2022-103 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Fear, Law, Teich, Pidek, Haber, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, said he feels the City treats building owners unevenly, aggressively going after some and not others. He asked when the “skywalk” is scheduled to come down, saying the court ordered its demolition months ago but nothing has been done.

Steve Perry introduced himself as a candidate for County Commission representing District 6, providing details on his education and work history. He said he would like to work for the people of the district.

Karen Mead-Elford, editor at The Independent, said she too would like to know the status of the skywalk.

Mayor Eveleth asked City Manager Henne to provide an update on the status of the skywalk.

City Manager Henne indicated that the City wants the structure demolished and it's patience with the situation has run out as well. He briefly detailed the course of events, saying that after the court order was issued the City was told by the property owner that they had a signed agreement with a contractor to demolish the structure after the completion of their current project. The owner and contractor have since reported repeated delays and given numerous promises the work will be done. The fact that the demolition has not taken place to date has frustrated residents in the area, the City, as well as Consumers Energy and a decision has been made that if the work does not start within two weeks the City will seeks bids for the work.

There was discussion among Council regarding how long the bid process would take and whether the court order provided a definitive deadline for the demolition. The Council directed the City Manager to start the bid process now and not wait the additional two weeks.

CONSENT AGENDA

Motion by Councilmember Fear to approve the Consent Agenda as follows:

Traffic Control Order – Ball Street Block Party Permission. Approve request from City resident Rachel Ewald for the partial street closure on North Ball Street between Galusha Street and North Street for the Ball Street Block Party on October 29, 2022 from 12:00 pm to 2:00 pm, waive the insurance requirement, and authorize Traffic Control Order No. 1487 formalizing the action.

Master Plan Implementation Goals: 1.7, 1.17, 4.2, 4.6, 5.9, 5.12

Contract Amendment – Demolition of 1122 S. Cedar Street and 917 S. Park Street. Approve Amendment No. 1 to the contract with Smalley Construction, Inc. for demolition of the structures at 1122 S. Cedar Street and 917 S. Park Street extending the completion deadline to December 9, 2022 due to delays with utility disconnects and asbestos surveys, as follows:

RESOLUTION NO. 158-2022

AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT WITH SMALLEY CONSTRUCTION, INC. FOR

**THE DEMOLITION OF THE STRUCTURES
AT 1122 S. CEDAR STREET AND 917 S. PARK STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Smalley Construction, Inc. on August 15, 2022 for the demolition of the houses at 1122 S. Cedar Street and 917 S. Park Street, to be completed by October 10, 2022; and

WHEREAS, as of October 10, 2022 the demolitions had not been undertaken due to delays in the disconnection of utilities and the conduct/receipt of an asbestos survey; and

WHEREAS, Smalley Construction, Inc. has requested a contract deadline extension to December 9, 2022 to allow for any additional delays and scheduling.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to amend the demolition contract for 1122 S. Cedar Street and 917 S. Park Street with Smalley Construction, Inc. extending the contract deadline to December 9, 2022.
- SECOND: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment No. 1 to the Contract for Demolition of 1122 S. Cedar Street and 917 S. Park Street with Smalley Construction, Inc.

Change Order – Demolition of 1122 S. Cedar Street and 917 S. Park Street. Approve Change Order No. 1 to the contract with Smalley Construction, Inc. for demolition of the structures at 1122 S. Cedar Street and 917 S. Park Street increasing the contract cost to \$16,755.00 for asbestos removal as follows:

RESOLUTION NO. 159-2022

**AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR
DEMOLITION OF 1122 S. CEDAR STREET AND 917 S. PARK STREET
WITH SMALLEY CONSTRUCTION, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Smalley Construction, Inc. on August 15, 2022 for the demolition of the houses at 1122 S. Cedar Street and 917 S. Park Street; and

WHEREAS, the asbestos abatement survey has been completed and the cost to remove asbestos is \$1,155.00; and

WHEREAS, Change Order No. 1 will increase the contract amount by \$1,155.00 for asbestos removal and added protections at 1122 S. Cedar Street and 917 S. Park Street by Smalley Construction, Inc.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to amend the contract for the demolition of 1122 S. Cedar Street and 917 S. Park Street to include costs related to asbestos removal.
- SECOND: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Change Order No. 1, in the amount of \$1,155.00, increasing the Contract for Services between the City of Owosso and Smalley Construction, Inc. revising the total current contract amount from \$15,600.00 to \$16,755.00.
- THIRD: the accounts payable department is authorized to pay Smalley Construction, Inc. for work satisfactorily completed up to the revised contract amount of \$16,755.00.
- FOURTH: the above expenses shall be paid from the General Fund 101-370-818.000.

Contract Renewal - Utilities General Engineering Services. Approve the required annual renewal of the Utilities General Engineering Services contracts with Fishbeck, Jones & Henry, OHM Advisors, and Tetra Tech to provide engineering services for utilities projects through October 30, 2023 as follows

RESOLUTION NO. 160-2022

**AUTHORIZING THE RENEWAL OF AGREEMENTS
FOR PROFESSIONAL ENGINEERING SERVICES WITH
OHM ADVISORS, TETRA TECH, JONES & HENRY, AND FISHBECK**

WHEREAS, the City of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to secure professional engineering services for various public improvement projects related to utilities; and

WHEREAS, in October of 2019 Council approved a series of contracts with engineering firms C2ae, OHM Advisors, Tetra Tech, and Jones & Henry which require renewal on an annual basis; and

WHEREAS, in September of 2021 Council approved a contract with engineering firm Fishbeck which requires renewal on an annual basis; and

WHEREAS, OHM Advisors, Tetra Tech, Jones & Henry, and Fishbeck have provided the City with satisfactory services to date and renewal of their respective agreements is recommended.

NOW THEREFORE BE IT RESOLVED by the City of Owosso, county of Shiawassee, state of Michigan:

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to renew the contracts with the firms of OHM Advisors, Tetra Tech, Jones & Henry, and Fishbeck to provide professional engineering services for future water and wastewater utility projects.
- SECOND: the Mayor and City Clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-OHM-2, Renewal of Agreement for Professional Engineering Services with OHM Advisors.
- THIRD: the Mayor and City Clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-TT-2, Renewal of Agreement for Professional Engineering Services with Tetra Tech of Michigan, P.C.
- FOURTH the Mayor and City Clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-J&H-2, Renewal of Agreement for Professional Engineering Services with Jones & Henry Engineers, Ltd.
- FIFTH: the Mayor and City Clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-FB-1, Renewal of Agreement for Professional Engineering Services with Fishbeck.; and
- SIXTH: the Director of Public Services & Utilities of the City of Owosso is hereby instructed to receive cost proposals from each of these four firms for future projects and make recommendation to the City Council for acceptance and award in accordance with the City of Owosso Purchasing Policy for the period renewed through October 30, 2023.

Owosso Main Street/DDA Huntington Bank Account Signatories. Consider resolution to update the signatories on Owosso Main Street/Owosso Downtown Development Authority's Huntington Bank account as follows:

RESOLUTION NO. 161-2022

**AUTHORIZING OPENING AND MAINTAINING
AN ACCOUNT WITH HUNTINGTON BANK
FOR THE OPERATIONS OF
THE OWOSSO MAIN STREET/DOWNTOWN DEVELOPMENT AUTHORITY**

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- (i) The Huntington National Bank (the "Bank"), as a national banking association, is qualified under applicable law and regulations to be a depository for the Public Entity and .is hereby designated as a depository of the Public Entity;
- (ii) one or more account(s) may be opened and maintained in the name of the Public Entity, in accordance with the rules and regulations or procedures of the Bank pertaining to such accounts as amended by the Bank from time to time, or as otherwise amended by a written agreement between the Public Entity and Bank;

- (iii) any of the individuals whose names are set forth in (iv), below or, whose genuine signatures appear on separate cards dated and filed with the Bank, (collectively the "Authorized Signatories" and individually an "Authorized Signatory") are hereby authorized to act individually on behalf of the Public Entity and in its name to:
 - a. sign checks, drafts, notes, bills of exchange, acceptances, or other orders for payment of funds from any account maintained by the Public Entity;
 - b. indorse checks, drafts, notes, bills, certificates of deposit, or other instruments owned or held by the Public Entity for deposit in any such account, or for collection or discount by the Bank;
 - c. identify, approve and guarantee the indorsements of any and all checks and drafts drawn by the Public Entity;
 - d. waive demand, protest, and notice of protest, or dishonor of any check, draft, note, bill, certificates of deposit or other instruments made, drawn, or indorsed by the Public Entity;
 - e. act for the Public Entity in the transaction of all other business (whether or not it is of the kind, nature or character specified in this certificate) on the Public Entity's behalf with the Bank, including but not limited to executing contracts and delegating person to engage in transaction in connection with such contracts;
 - f. open and maintain an account in the name of the Public Entity (any account so opened shall be bound by the provisions of this certificate);
 - g. certify to the Bank the names of the Authorized Signatories and shall certify such change to the Bank, and the Bank shall be fully protected in relying on such certification, or refusing to honor the signature of any individual not so certified;
 - h. delegate other person(s) to perform any of the foregoing acts;

(iv) Names or Titles of Authorized Signatories:

Brad Barrett
 Amy Kirkland
 Katherine Fagan

FURTHER BE IT RESOLVED, that:

- (i) the Bank is authorized to honor, receive, certify, or pay all instruments signed in accordance with this certificate even though drawn or indorsed to the order of any Authorized Signatory signing the same, tendered for cash, or in payment of a personal obligation or for deposit into a personal account of said Authorized Signatory and the Bank is not required or obligated to inquire into the circumstances of the issuance or use of any instrument signed in accordance with this certificate, or the application, or disposition of such instrument, or the proceeds thereof;
- (ii) overdrafts, if any, shall not be considered to be a loan; and
- (iii) the provisions of this certificate shall remain in full force and effect until written notice of its amendment or rescission shall have been received by the Bank and the Bank has a reasonable amount of time to act upon such notice, and that receipt of such notice shall not affect any action taken by the Bank prior thereto.

FURTHER BE IT RESOLVED, that the undersigned be, and hereby is, authorized and directed to certify to the Bank the foregoing resolutions and that the provisions thereof are in conformity with the laws and regulations governing the Public Entity.

Purchase Authorization – Road Salt. Authorize the purchase of road salt from Detroit Salt Company, LLC under State of Michigan contract No. 1800000000768 in the amount of \$90,552.00 for 1400 tons of road salt at \$64.68/ton seasonal fill, to be delivered as needed for the 2022-2023 contract period as follows:

RESOLUTION NO. 162-2022

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH
 THE DETROIT SALT COMPANY, LLC
 FOR THE 2022-2023 WINTER SUPPLY OF ROAD SALT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a responsibility to keep its streets safe during the winter months, and that this winter ice control maintenance is advisable, necessary and in the public interest; and

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt onto the icy pavements; and

WHEREAS, in order to obtain the best price for road salt material, it is in the best interest of the City of Owosso to waive competitive bidding requirements and utilize State of Michigan Contract No. 180000000768, effective September 1, 2018, provided by The Detroit Salt Company, LLC for the purchase of road salt at \$64.68 per ton for seasonal delivery as needed bulk.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to purchase 1,400 tons of road salt from The Detroit Salt Company, LLC.
- SECOND: the contract between the City and The Detroit Salt Company, LLC shall be in the form of a Purchase Order, with reference to State of Michigan Contract No. 180000000768.
- THIRD: the accounts payable department is authorized to pay The Detroit Salt Company, LLC according to unit prices for road salt delivered in the amount up to \$90,552.00, plus a contingency amount of \$25,872.00 with prior authorization, for a total of \$116,424.00.
- FOURTH: the above expenses shall be paid from Local and Major Street Fund and State Trunk-line accounts 202/203.478.728.000 and 202.497.728.000.

Revolving Loan Fund Grant – Barrister Brewery. Approve the Revolving Loan Fund grant application for 902 W. Main Street for \$20,745.00 to DMBA Owosso, LLC for the purpose of architectural and fire suppression costs associated with a mixed-use building.

RESOLUTION NO. 163-2022

**AUTHORIZING THE RELEASE OF
OMS/DDA REVOLVING LOAN FUND GRANT MONIES
TO DBMA OWOSSO, LLC
FOR ELIGIBLE EXPENSES AT 902 W. MAIN STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board; and

WHEREAS, on August 18, 2022 a grant application was submitted to OMS/DDA by DBMA Owosso, LLC for fire suppression and architectural services located within the building 902 W. Main Street; and

WHEREAS, on August 22, 2022 the OMS/DDA Design & Business Vitality – Revolving Loan Sub-Committee reviewed and approved the application, giving it an overall score of 70. This score is above the 40 points required for consideration; and

WHEREAS, on September 14, 2022 the OMS/DDA Board of Directors approved the recommendation.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: a grant in the amount of \$20,745.00 to DBMA Owosso, LLC for fire suppression and architectural services at 902 W. Main Street is hereby approved according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.
- SECOND: the accounts payable department is hereby authorized to release \$20,745.00 to DBMA Owosso, LLC for the purpose stated.

Revolving Loan Fund-Loan – Shi-Sportsplex, LLC. Approve the Revolving Loan Fund loan application for \$50,000.00 to Shi-Sportsplex, LLC for the purpose of property expansion costs associated with retail space and a studio at 201 S. Washington Street as follows:

RESOLUTION NO. 164-2022

**AUTHORIZING
THE RELEASE OF OMS/DDA REVOLVING LOAN FUNDS TO
SHI-SPORTSPLEX, LLC
FOR PROPERTY DEVELOPMENT COSTS AT 201 S. WASHINGTON STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board; and

WHEREAS, on August 9, 2022 a loan application was submitted to OMS/DDA by Shi-Sportsplex, LLC's for property development activities located at 201 S. Washington Street; and

WHEREAS, on August 22, 2022 the OMS/DDA Design & Business Vitality – Revolving Loan Sub-Committee reviewed and approved the application, giving it an overall score of 61. This score is above the 40 points required for consideration; and

WHEREAS, on September 14, 2022 the OMS/DDA Board of Directors approved the Revolving Loan Sub-Committee's recommendation to City Council.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the City of Owosso approves a \$50,000.00 loan to Shi-Sportsplex, LLC for property development activities at 201 S. Washington Street according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.

SECOND: the accounts payable department is authorized to release said loan funds to Shi-Sportsplex, LLC in the amount of \$50,000.00 for the purpose stated.

Boards and Commissions Appointment. (This item was added to the agenda.) Approve the following Mayoral boards and commissions appointment:

Name	Board/Commission	Term Expires
Michelle Collison	Shiawassee District Library Board filling unexpired term of J. Semans	06-30-2023

Traffic Control Order Request – Central School Fall Festival. (This item was added to the agenda.) Approve the request of Bridgit Spielman, Principal of Central Elementary School, for the closure of Ada Street between Oliver and Lee Streets, and Lee Street between Ada Street and M-52 on October 25, 2022 from 5:00 p.m. to 7:30 p.m. and authorize Traffic Control Order No. 1489 formalizing permission.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Law, Pidek, Haber, Fear, Teich, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

ITEMS OF BUSINESS

DDA/OMS Bylaws Amendments

City Manager Henne noted that the most significant change being proposed involves setting a three-minute time limit for citizen comments.

Motion by Councilmember Pidek to approve the proposed amendments to the Downtown Development Authority/Owosso Main Street Bylaws as follows:

RESOLUTION NO. 165-2022

ADOPTING THE

OWOSSO MAIN STREET/DDA BYLAWS

WHEREAS, the Owosso Main Street/DDA is a public commission which is responsible for holding its own meetings in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended; and

WHEREAS, the commissioners of the Owosso Main Street/DDA have drafted and approved bylaws to direct the conduct and activities of such meetings and are submitting them to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED that the Owosso City Council hereby approves the bylaws of the Owosso Main Street/DDA as follows, such bylaws to be effective immediately:

BYLAWS GOVERNING THE DOWNTOWN DEVELOPMENT AUTHORITY/MAIN STREET OF THE CITY OF OWOSSO

ARTICLE I

PURPOSES

Section 1. Statement of purposes. The purpose or purposes for which the Authority is organized are as follows: To act as a downtown development authority in accordance with Act 197 'of the Public Acts- of 1975, as amended; including but not limited to; to correct and prevent deterioration in downtown district; to encourage historical preservation; to create and implement development plans, to promote the economic growth; to encourage the expansion of commercial enterprises. In furtherance of these purposes, the Authority shall have all of the powers which now are or hereafter may be, conferred by law on authorities organized under Act 227, Public Acts of 1972, Act 149, Public Acts of 1911; Act 202, Public Acts of 1943; Act 94, Public Acts of 1933; Act 344, Public Acts of 1945, as amended; and particularly the powers granted by Act 197, Public Acts of 1975, and especially Section 7 thereof, to wit:

- (a) Prepare an analysis of economic changes taking place in the downtown district.
- (b) Study and analyze the impact of metropolitan growth upon the downtown district.
- (c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the downtown district.
- (d) Develop long-range, plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (e) Implement any plan of development in the downtown district necessary to achieve the purposes of Act 197, in accordance with the powers of the Authority as granted by Act 197.
- (f) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (g) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the Authority determines is reasonably necessary to achieve the purposes of this, and to grant or acquire licenses, easements, and options with respect thereto.
- (h) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- (i) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.
- (j) Lease any building or property under its control, or any part thereof.

- (k) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (h) Acquire and construct public facilities.

subject to any amendments to said statute either increasing or diminishing the powers of downtown development authorities formed thereunder.

Section 2. Development of work plans. The mission of the program will be achieved through the board's commitment to the National Main Street's Work Plan process, using its four-point approach through the organization committee, promotion committee, design committee, and the economic restructuring committee.

ARTICLE II

OFFICES

Section 1. Offices. The Authority may have such offices as the Board may determine, or the affairs of the Authority may require from time to time.

ARTICLE III

BOARD

Section 1. General Powers. The affairs of the Authority shall be managed by its Board.

Section 2. Number, Tenure and Qualifications. The Board of the Authority shall consist of nine (9) persons, the Chief Executive Officer of the City of Owosso and, eight (8) members. The members shall be appointed for a term of four (4) years. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown district, so long as the district has 100 or more persons residing within it.

The Board may also include not more than two (2) ex-officio non-voting members. The ex-officio members of the Board may include the prior members of the Board, a representative of the City of Owosso and/or representatives from community organizations. The outgoing Board Chair may remain on the Board as a non-voting ex-officio member for one year after his/her term has ended.

Section 3. Selection of Board Members. The Chief Executive Officer of the City of Owosso with the advice and consent of the City Council, shall appoint the members of the Board. Subsequent Board members shall be appointed in the same manner as the original appointments at the expiration of each member's term of office.

Section 4. Expiration of Term; Continuation in Office; Reappointment; Filling Vacancies. Members whose term of office has expired shall continue to hold office until his/her successor has been appointed with the advice and consent of the City Council to serve additional terms. If a vacancy is created by the death, resignation, or removal of a member, a successor shall be appointed with the advice and consent of the City Council within thirty (30) days to hold office for the remainder of the term so vacated.

Section 5. Removal. Pursuant to notice and an opportunity to be heard, a member may be removed from office for inefficiency, neglect of duty, misconduct, malfeasance, accumulation of three (3) or more unexcused absences in a twelve (12) month period, or any other good cause by a majority vote of the City Council.

Section 6. Disclosure of Interests. A board member who has a direct interest in any matter before the Authority shall disclose his/her interest prior to the Authority taking any action with respect to the matter, which disclosure shall become a part of the record of the Authority's official proceedings. Further, any member making such disclosure, shall then refrain from participating in the Authority's decision making processes relative to such matter.

Section 7. Annual Meeting. An annual meeting of the Board shall be held on the first Wednesday in the month of June in each year beginning with the year 2011 at the hour of seven-thirty a.m. for the purpose of electing officers and for the transaction of such other business as may come before the meeting. If the election of officers shall not be held on the day designated herein for any annual meeting or any adjournment thereof, the Board shall cause the election to be held at a regular or special meeting of the Board within 90 days of the annual meeting.

Section 8. Regular Meetings. Regular meetings of the Board shall be held at such time and place as the Board shall from time to time determine.

Section 9. Special Meetings. Special meetings of the Board may be called by or at the written request of the chairman or any two members. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meetings of

the Board called by them.

Section 10. Notice of Meetings. Except as otherwise provided by law, all meetings shall be preceded by public notice in accordance with Public Act 267 of the Public Acts of 1976, as amended.

Section 11. Quorum and Voting. A majority of the members of the Board then in office shall constitute a quorum for the transaction of business. In the event that effective membership is reduced because of Disclosure of Interest (Article III, Section 6), a majority of the remaining members of the Board then in office shall constitute a quorum for the transaction of business.

Except in those cases where a larger majority is required by law, no motion, resolution or action shall be adopted or passed, nor shall any appointment be made, nor any person removed from office as permitted by these Rules, except by the affirmative vote of at least five (5) members of the Board.

Section 12. Public Meetings. The meetings of the Board 'shall be public.'

Section 13. Public Comment. Members of the Public may comment at the meetings of the Board. An individual will have no more than three (3) minutes to deliver their comment.

Section 14. Compensation of Members. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses subject to authorization by a vote of two-thirds of the majority of the Board members then qualified to vote.

ARTICLE IV

OFFICERS

Section 1. Officers. The officers of the Authority shall be a chairman and vice-chairman.

Section 2. Election and Terms of Office. Officers of the Authority shall be elected annually by the Board at the regular annual meeting of the Board. If the election of officers shall not be held at such meeting, such election shall be held within 90 days of such meeting. Each officer shall hold office until his/her successor shall have been duly elected and shall have qualified.

Section 3. Removal. Any officer elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the Authority would be served thereby.

Section 4. Vacancies. A vacancy in office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board for the unexpired portion of the term.

Section 5. Chairman. The chairman shall preside at all meetings of the Board and shall discharge the duties of the presiding officer.

Section 6. Vice-Chairman. In the absence of the chairman or in event of his/her inability or refusal to act, the vice-chairman shall perform the duties of the chairman, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairman. Any vice-chairman, shall perform such other duties as from time to time may be assigned to him/her by the chairman or by the Board.

Section 7. Employment of Personnel. The Board may employ personnel as deemed necessary by the Board. Such personnel may include, but not be limited to, a director, treasurer, secretary and legal counsel.

Section 7.1. Director. The Board may employ and fix the compensation of a director, subject to approval by the City Council. The director shall serve at the pleasure of the Board. A member of the Board shall not hold the position of director while serving on the Board. The Board may require the director to post a bond payable to the Authority for the use and benefit of the Authority. The premium for such bond is to be paid by the Authority. Subject to the approval of the Board, the director shall supervise, and be responsible for the preparation of plans and the performance of the functions of the Authority. The director shall attend the meetings of the Board, and shall render to the Board and to the City Council a regular report covering the activities and financial condition of the authority. The director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires. If the director is absent or disabled, the Board may delegate his/her functions and responsibilities to any person otherwise qualified under this section. Such other person shall be designated as the acting director.

Section 7.2. Treasurer. The Board may employ and fix the compensation of a treasurer, who shall keep the financial records of the Authority and who, together with the director, shall approval all vouchers for the expenditure of funds of the Authority. If required by the Board, the treasurer shall give a bond for the faithful discharge of his/her duties in such sum and with such surety or sureties as the Board shall determine. He shall have

charge and custody of, and be responsible for, all funds and securities of the Authority; receive and give receipts for moneys due and payable to the Authority from any source whatsoever, and deposit all such moneys in the name of the Authority in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VI of these rules; and in general perform all the duties incident to the office of treasurer and such other duties as shall be assigned from time to time by the Board.

Section 7.3. Secretary. The Board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the Board and keep a record of its proceedings. The secretary shall see that all notices are duly given in accordance with the provisions of these rules or as required by law and shall keep a register of the post office address of each Board member as furnished by such member. The secretary shall also perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the Board.

Section 7.4. Legal Counsel. The Board may retain legal counsel to advise the Board in the proper performance of its duties and to represent the Authority in actions brought by or against the Authority.

ARTICLE V

COMMITTEES

Section 1. Committees of Members. The Board, by resolution adopted by a majority of the Board, may designate and appoint one or more committees, each of which shall consist of two or more members, which committees shall have and exercise such authority as shall be granted to them by such resolution; provided, however, such committee shall not have the power or authority to adopt an agreement of merger or consolidation or an agreement for the sale, lease or exchange of all, or substantially all of the Authority's property and assets, dissolve the Authority or amend the rules of the Authority. Except as otherwise provided in such resolution, the members of such committee shall be members of the Authority and the Chairman shall appoint the members thereof. Any member may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Authority shall be served by such removal.

Section 2. Term of Office. Each member of a committee shall continue as such until the next annual meeting of the members of the Authority and until his/her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

Section 3. Chairman. One member of each committee shall be appointed chairman by the person or persons authorized to appoint the members thereof.

Section 4. Quorum. Unless otherwise provided in the resolution of the Board designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

ARTICLE VI

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 1. Contracts. The Board may authorize the chairman, agent or agents of the Authority, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and such authorization may be general or confined to specific instances.

Section 2. Checks, Drafts, etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Authority, shall be signed by two persons as designated by the Board.

Section 3. Deposits. All funds of the Authority shall be immediately deposited to the credit of the Authority in such banks, trust, companies or other depositories as the Board may select.

Section 4. Gifts. The Board may accept on behalf of the Authority any contribution, gift, bequest or devise for the general purposes or for any special purposes of the Authority.

ARTICLE VII

BOOKS AND RECORDS

The Authority shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board and committees having any of the powers of the Board, and shall keep at the principal office a record giving the names and

addresses of the members entitled to vote. All books and records of the Authority shall be open to the public at all times. An annual audit shall be conducted by an independent Certified Public Accountant and published, and shall be in compliance with Public Act No. 2 of 1968 and Public Act 621 of 1978.

ARTICLE VIII

FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of July and end on the last day of June in each year.

ARTICLE IX

AMENDMENTS TO RULES

These rules may be altered, amended or repealed and new rules may be adopted by a majority of the members present at any regular meeting if written notice is given of intention to alter, amend or repeal or to adopt new rules at such meeting. The full nature of the rule change shall be included in the notice. Adoption of rule changes shall require affirmative votes by the majority of the members appointed. Changes in these rules are subject to approval by the City Council.

ARTICLE X

PARLIAMENTARY AUTHORITY

The rules contained the current edition of Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Teich, Law, Fear, Haber, Pidek, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

COMMUNICATIONS

Tanya S. Buckelew, Planning & Building Director. September 2022 Building Department Report.

Tanya S. Buckelew, Planning & Building Director. September 2022 Code Violations Report.

Tanya S. Buckelew, Planning & Building Director. September 2022 Inspections Report.

Tanya S. Buckelew, Planning & Building Director. September 2022 Certificates Issued Report.

Kevin D. Lenkart, Public Safety Director. September 2022 Fire Report.

Zoning Board of Appeals. Minutes of September 20, 2022.

Owosso Historic District Commission. Minutes of September 21, 2022.

WWTP Review Board. Minutes of September 27, 2022.

Parks & Recreation Commission. Minutes of September 28, 2022.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, thanked Council for being proactive in starting the bid process seeking contractors to demolish the skywalk.

City Manager Henne noted that Mayor Pro-Tem Osika will not be able to attend the MML Conference this week so he is going in her place.

NEXT MEETING

Monday, November 07, 2022

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2026

Building Board of Appeals – Alternate - term expires June 30, 2024

Building Board of Appeals – Alternate - term expires June 30, 2025

Downtown Historic District Commission – term expires June 30, 2023

Downtown Historic District Commission - term expires June 30, 2024
Downtown Historic District Commission – term expires June 30, 2025
Owosso Historical Commission – 2 terms expire December 31, 2022
Owosso Historical Commission – term expires December 31, 2023
Shiawassee District Library Board – term expires June 30, 2023

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 8:12 p.m.

Motion supported by Councilmember Law and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk

*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.